

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

NOTICE OF MOTION NO.14 OF 2005
IN
APPEAL NO.655 OF 2004
IN
INSOLVENCY PETITION NO.40 OF 2004

Hemant Damodardas Shah

.. Appellant.

v/s.

Ashok Thapar and ors.

.. Respondents.

Mr.F. D'Vitre, senior counsel with Mr.Jayesh Vyas
i/by M/s.Bilawala & Co. for appellant.

Mr.Kishor Jain with Mr.P.V.Shah for respondents.

Ms.G.P. Pradhan, Asstt. Official Assignee present.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 24th February, 2005

P.C.

On 25th November, 2004, appeal No.655 of 2004 was admitted by the Bench presided over by one of us (R.M.Lodha, J.) After hearing the learned senior counsel for the appellant and the learned counsel for the respondents, the Bench was not inclined to grant any interim relief to the appellant and in view thereof, the statement of Mr.Kishor Jain earlier recorded in the order dated 19th October, 2004 was discharged.

2. Mr. D'Vitre, the learned senior counsel for the appellant would submit that vide order dated 25th November, 2004, the hearing of the appeal was expedited in the fourth week of January, 2005 but

the appeal has not been heard and therefore, the appellant's prayer for interim relief needs to be reconsidered. He would also submit that subsequent to the order passed by us on 25th November, 2004, the residential flat as well as the immovable property of land bearing Plot No. 216A, Dr. Annie Besant Road, CTS No. 5/1629, Lower Parel Division, Worli, Mumbai alongwith structures have been sold and proceeds thereof are sufficient to discharge the liability of Bank/Financial Institution and the present creditors. He, therefore, submits that issue of grant of interim relief be reconsidered.

3. Suffice it to say that by our order dated 25th November, 2004, we were not inclined to grant any interim relief to the appellant. Now, in view of the grounds urged by the learned senior counsel, if the appellant seeks reconsideration of matter for grant of interim, he may do so by making necessary application. The application so made may be considered by the regular Bench dealing with the subject matter.

Order accordingly.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)